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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,298	11/27/2001	Dale Everett Steele	6016-3	8997

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EXAMINER

CHARLES, DEBRA F

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,298

Applicant(s)

STEELE ET AL.

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5,10,13,32 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,10,13,32 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Claims 1,5, 10,13, and 32 have been amended. Claims 2-4, 6-9, 14-31 and 33-58 are canceled. Claim 59 has been amended.

Based on the attorney's amendments, the 101 rejection has been reversed.

***Response to Arguments***

1. Applicant's arguments filed 8/2/2005 have been fully considered but they are not persuasive. The normal way for a retail transaction to occur is to present multiple binding offers to the customer where the customer does not have the ability to negotiate the terms of the sale, but must accept or reject the offers as given. This is old and well-known and is not patentable. The use of third party intermediaries to remain anonymous is also old and well-known. Buyers routinely use brokers for this purpose whether it be online or not online, and this can be seen in real estate and auction transactions where the buyer elects a purchasing representative to do the transaction whereby the representative reveals only certain information about the buyer. In Walker et al., the abstract, the title and col. 3, lines 15-56, indicate Walker et al.'s invention is buyer-driven. Further, since the buyer in the applicant's invention is able to select only what sellers offer, the applicant's invention seems to be a seller-driven situation where the

buyer has no option except to accept or decline various offers from different sellers without bargaining.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,5,10, 13, 32, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al.( 5794207), Motoyama(5913202), and Lent et al.(6324524B1)

Re claims 1,5,10, 13 and 32: Walker et al. disclose a method of electronically providing anonymous transaction services comprising the steps of:

electronically compiling client files, including data sets that contain personal information that uniquely identify clients and data sets that contain anonymous client information that does not uniquely identify clients (Abstract, col. 8, lines 25-64, col. 7, lines 35-65, col. 10, lines 1-67);

electronically providing suppliers with anonymous client information without revealing personal client information, enabling suppliers to select at least one subset of clients based upon the anonymous client information(col. 10, lines 1-67, col. 12, lines 20-35, col. 13, lines 10-25, col. 26, lines 50-67, col. 27, lines 1-20);

Walker at al. disclose(s) the claimed invention selecting products for a client based on client information(pre-approved offers), and then giving the client information to suppliers when the client selects the offer(product). However, in col. 2, lines 15-50, col. 4, lines 20-60 thereof, Motoyama disclose(s) selecting products for a client based on client information(pre-approved offers), and then giving the client information to suppliers when the client selects the offer(product). It would be obvious to one of ordinary skill in the art to modify the invention of Walker at al. based on the teachings of Motoyama. The motivation to combine these references is effectively and efficiently meet the clients needs for uniquely designed products.

Walker at al. and Motoyama disclose the invention except receiving pre-approved offers from said suppliers on behalf of the selected subsets of clients; and based upon the client's general information; and transaction profile contains Information that is necessary and sufficient for suppliers to evaluate a client for a risk-based offer:

electronically comparing the said anonymous transaction profile with  
criteria from a seller; and

electronically generating an pre-approved offer to the client when the

anonymous transaction profile meets the said criteria. However, in the  
Abstract, claims 1-3, col. 2, lines 25-50, cols. 3-4, thereof, Lent et al.  
disclose presenting multiple pre-approved offers to the customer. It would  
be obvious to one of ordinary skill in the art to modify the invention of Walker  
at al. and Motoyama based on the teachings of Lent et al. The motivation to  
combine these references is effectively and efficiently meet the clients needs  
for uniquely designed products.

Re claims 32 and 59: Walker at al. disclose electronically receiving a  
request for an offer from a client;

electronically compiling separate data sets that contain client supplied .

personal information that uniquely identify clients and data sets that contain  
client supplied anonymous information that does not uniquely identify  
clients electronically using the client supplied anonymous information and  
client supplied personal information to obtain third party information(cols.  
7and 8, col. 10, lines 1-67);

electronically separating said third party information into third party supplied  
personal information that uniquely identify clients and data sets that contain  
third party supplied anonymous information that does not uniquely identify  
clients(cols. 7and 8, col. 10, lines 1-67);

electronically generating an anonymous transaction profile by combining the client supplied anonymous information and third party supplied anonymous information, whereby said anonymous (cols. 7 and 8, col. 10, lines 1-67).

Walker at al. disclose(s) the claimed invention selecting products for a client based on client information(pre-approved offers), and then giving the client information to suppliers when the client selects the offer(product). However, in col. 2, lines 15-50, col. 4, lines 20-60 thereof, Motoyama disclose(s) selecting products for a client based on client information(pre-approved offers), and then giving the client information to suppliers when the client selects the offer(product). It would be obvious to one of ordinary skill in the art to modify the invention of Walker at al. based on the teachings of Motoyama. The motivation to combine these references is effectively and efficiently meet the clients needs for uniquely designed products.

Walker at al. and Motoyama disclose the invention except receiving pre-approved offers from said suppliers on behalf of the selected subsets of clients; and based upon the client's general information; and transaction profile contains Information that is necessary and sufficient for suppliers to evaluate a client for a risk-based offer:  
electronically comparing the said anonymous transaction profile with criteria from a seller; and  
electronically generating an pre-approved offer to the client when the

anonymous transaction profile meets the said criteria. However, in the Abstract, claims 1-3, col. 2, lines 25-50, cols. 3-4, thereof, Lent et al. disclose presenting multiple pre-approved offers to the customer. It would be obvious to one of ordinary skill in the art to modify the invention of Walker et al. and Motoyama based on the teachings of Lent et al. The motivation to combine these references is effectively and efficiently meet the clients needs for uniquely designed products.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles  
Examiner  
Art Unit 3624

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VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Vincent Millin", is located at the bottom right of the page.